

U.S. Application No. 09/965,030
Reply to Office Action dated April 5, 2006

PATENT
450100-03503

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-2, 5-6, and 9-10 are currently pending. Claims 1, 5, and 9, which are independent, are hereby amended. Dependent claim 10 is also amended. Claims 3, 7, and 11 are hereby canceled, without prejudice or disclaimer of subject matter. No new matter has been introduced by this Amendment.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-3, 5-7, and 9-11 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,643,702 to Yeung (hereinafter, merely "Yeung") in view of U.S. Patent No. 6,636,922 to Bastiani et al. (hereinafter, merely "Bastiani"), and further in view of U.S. Patent No. 6,728,244 to Takabatake (hereinafter, merely "Takabatake") and U.S. Patent No. 6,693,915 to Lappetelainen et al. (hereinafter, merely "Lappetelainen").

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As understood by Applicants, Yeung relates to a method for initializing an eligibility bit map and determining whether at least one eligible route has required resources available.

As understood by Applicants, Bastiani relates to a host controller for enabling communication between a host computer and a device over a serial link.

As understood by Applicants, Takabatake relates to a communication node for enabling internetworking of a first network in which data transfer is based on a combination of request and response and a second network in which data transfer is not based on a combination of request and response.

As understood by Applicants, Lappetelainen relates to efficient bandwidth allocation for a high speed wireless data transmission system.

Claim 1 recites, *inter alia*:

“... the data transfer apparatus being connected to the second bus through a second data transfer apparatus...

transferring means for transferring the data from the data transfer apparatus to the second data transfer apparatus according to the destination information ...”

(Emphasis added)

Applicants respectfully submit that nothing has been found in either Yeung, Bastiani, Takabatake or Lappetelainen, taken alone or in combination, that would teach or suggest the above-identified features of claim 1. Specifically, Yeung, Bastiani, Takabatake or Lappetelainen, taken alone or in combination, do not disclose or suggest that the data transfer apparatus is connected to the second bus through a second data transfer apparatus. The applied combination also does not teach or suggest transferring means for transferring the data from the

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data transfer apparatus to the second data transfer apparatus according to the destination information, all as recited in claim 1.

Additionally, Applicants respectfully submit that there is no motivation to combine Yeung, Bastiani, Takabatake and Lappetelainen. Nothing has been found in either Yeung, Bastiani, Takabatake or Lappetelainen, taken alone or in combination, nor in the knowledge generally available to one of ordinary skill in the art, to combine the reference teachings in such a way as to create the data transfer apparatus of claim 1.

Applicants respectfully submit that the Office Action can not rely on impermissible hindsight reasoning in seeking a motivation to combine the reference teachings. More specifically, M.P.E.P. §2142 states:

To reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. Knowledge of applicant's disclosure must be put aside in reaching this determination, yet kept in mind in order to determine the "differences," conduct the search and evaluate the "subject matter as a whole" of the invention. The tendency to resort to "hindsight" based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. (Emphasis added)

Although a hindsight point of view is necessary to develop an understanding of applicants' invention, it may take "into account only knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made" (MPEP §2145). Nothing has been found within the knowledge within the level of ordinary skill in the art at the time the

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invention was made, to motivate a person of ordinary skill in the art to combine the reference teachings to create the data transfer apparatus as claimed in claim 1.

Therefore, Applicants respectfully submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 5 and 9 are also patentable.

III. DEPENDENT CLAIMS

The other claims are each dependent from one of the independent claims, discussed above, and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

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CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are in condition for allowance and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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